

III. REMARKS

Claims 1-26 are pending in this application. By this amendment, claims 1, 7, 9, 12, 20 and 26 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-26 are rejected under 35 U.S.C. §112, first and second paragraphs. Applicants have amended the limitations “a signal device transmitter” with the limitation “an additional signal device transmitter.” Accordingly, Applicants respectfully request that the Office withdraw this rejection. Claims 1 and 3-6 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu *et al.* (U.S. Patent No. 6,691,154), hereafter “Zhu,” in view of Sarin *et al.* (“Computer-based real-time conferencing systems”), hereafter “Sarin.” Claims 2, 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Sarin and further in view of Isfeld *et al.* (U.S. Patent Number 5,483,640), hereafter “Isfeld.” Claims 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Isfeld and further in view of Thompson *et al.* (U.S. Patent Publication No. 5,483,640), hereafter “Thompson.” Claims 12, 15-18, 20-22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Chang and further in view of Partridge *et al.* (U.S. Patent No. 6,160,819), hereafter “Partridge.” Claims 13-14 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Chang, Partridge and Isfeld. Claims 19 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Zhu in view of Partridge, Isfeld, Sarin and Thompson. Claim 26 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhu in view of Powderly, Isfeld, Sarin and Thompson.

Claims 1 and 3-6 are also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz *et al.* (U.S. Patent No. 6,587,125), hereafter “Paroz,” in view of Chang and Sarin. Claims 2, 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang and Sarin and further in view of Isfeld. Claims 9-11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang and Isfeld and further in view of Thompson. Claims 12, 15-18, 20-22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang and further in view of Partridge. Claims 13-14 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang, Partridge and Isfeld. Claims 19 and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang, Partridge, Isfeld, Sarin and Thompson. Claim 26 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Paroz in view of Chang, Isfeld, Sarin and Thompson.

A. REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 U.S.C. §103(a) OVER ZHU IN VIEW OF CHANG AND SARIN AND OVER PAROZ IN VIEW OF CHANG AND SARIN

With regard to the 35 U.S.C. §103(a) rejections over Zhu or Paroz in view of Chang and Sarin, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that both the

hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter. The Office admits that Zhu and Paroz fail to disclose a user is capable of accessing the hardware layer of a console device. Final Office Action, page 4. The Office admits that Zhu fails to disclose a user is capable of accessing the hardware layer of a console device. Final Office Action, page 4. Instead, the Office states that “...Chang’s remote access functionality is performed through software stored in the device’s firmware.” Final Office Action, page 6 citing Chang, Col 3, lines 12-50. However, the firmware to which the Examiner refers is taught by Chang as being installed on the workstation network interface card (NIC) or motherboard.” Col. 4, lines 10-20. To this extent, the firmware of Chang constitutes a hardware dongle. Accordingly, nowhere does Chang teach or suggest that both the hardware and software layer may be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter. In contrast, under the claimed invention “...both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter.” Claim 1. As such, in contrast to Chang, which requires an installed firmware, in the claimed invention, both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claim 1, Applicants submit that the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has completely failed. Instead, Chang teaches that its

assess occurs during a boot sequence of a device. To this extent, the device to which access is occurring must be booting, and, as such, can not have completely failed. Nowhere do the cited references teach or suggest that they are adapted to access the console device in the case that the console device has completely failed. The claimed invention, in contrast, includes "...the method is adapted to access the console device in the case that the console device has completely failed." Claim 1. As such, the method of the claimed invention does not occur during boot, as does Chang, but instead is adapted to access the console device in the case that the console device has completely failed. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

B. REJECTION OF CLAIMS 2, 7 AND 8 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG, SARIN AND ISFELD

With regard to the 35 U.S.C. §103(a) rejection over Zhu or Paroz in view of Chang, Sarin and Isfeld, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 7, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device

transmitter. With further respect to independent claim 7, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has completely failed. Isfeld does not cure these deficiencies. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

C. REJECTION OF CLAIMS 9-11 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG, ISFELD AND THOMPSON

With regard to the 35 U.S.C. §103(a) rejection over Zhu or Paroz in view of Chang, Isfeld and Thompson, Applicants assert that the combined features of the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claim 9, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter. With further respect to independent claim 9, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that the method is adapted to access the console device in the case that the console device has completely

failed. Isfeld and Thompson do not cure these deficiencies. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

D. REJECTION OF CLAIMS 12, 15-18, 20-22 and 24 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG AND PARTRIDGE

With regard to the 35 U.S.C. §103(a) rejection over Zhu or Paroz in view of Chang and Partridge, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claims 12 and 20, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest that both the hardware and software layer of the console device can be accessed without the requirement for an additional hardware dongle or an additional signal device transmitter. With further respect to independent claims 12 and 20, Applicants submit that, as argued above with respect to claim 1, the combined references fail to teach or suggest, *inter alia*, that the method is adapted to access the console device in the case that the console device has completely failed. Accordingly, Applicants request that the rejections be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore,

Applicants submit that all dependant claims are allowable based on their own distinct features.

Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

E. REJECTION OF CLAIMS 13, 14 and 23 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG, PARTRIDGE AND ISFELD

With regard to the 35 U.S.C. §103(a) rejection over Zhu or Paroz in view of Chang, Partridge and Isfeld, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

F. REJECTION OF CLAIMS 19 AND 25 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG, PARTRIDGE, ISFELD, SARIN, AND THOMPSON

With regard to the 35 U.S.C. §103(a) rejection over Zhu or Paroz in view of Chang, Isfeld, Sarin and Thompson, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with regard to the Office's arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do

so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

G. REJECTION OF CLAIM 26 UNDER 35 U.S.C. §103(a) OVER ZHU OR PAROZ IN VIEW OF CHANG, ISFELD, SARIN, AND THOMPSON

With regard to the 35 U.S.C. §103(a) rejection over Paroz in view of Chang, Isfeld, Sarin and Thompson, Appellants incorporate the above enumerated arguments. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

Date: October 6, 2008

Hunter E. Webb
Reg. No.: 54,593

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)